

FILED BY *JK* IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
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THOMAS M. GUILD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

vs.

DELOIS HARRIS,

Defendant

Criminal No. 05-20250 MAZ

MOTION DENIED

*Based on the
Government's memorandum
in Response*

THOMAS M. GUILD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS
J.P.M. Calk
JON PHILIPS HARRIS
U.S. DISTRICT JUDGE

Sgt. 13, 2005
DATE

MOTION FOR RELEASE OF NOTES OF GRAND JURY TESTIMONY

The Defendant, DELOIS HARRIS, here moves this Court pursuant to Federal Rule of Criminal Procedure 6(e)(3)(E) to release to her attorney Notes of Testimony given before the grand jury that returned the indictment against her, and alleges in support of this Motion as follows:

1. On or about July 20, 2005, a Federal Grand Jury returned an indictment against Defendant Harris charging her with several violations of federal law, including 18 U. S. C. §1343 18 USC § 1028 ((a) (7) 18 U.S.C. Sec. 1029 (a) (2) and (2) and 18 USC §371.
2. The thrust of the indictments was that the Defendant was among several individuals who conspired and engaged third parties as customer service representatives to secure financial information from account holders and used said information to defraud elderly senior citizens residing in Missouri and Tennessee. Further, it is alleged that the financial information obtained subsequently was used to facilitate wire transfers of money to various Western

A:\IN THE UNITED STATES DISTRICT COURT\FOR THE WESTERN DISTRICT OF.wpd

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Union offices in Memphis, Tennessee.

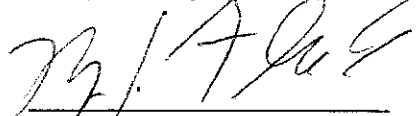
3. However, the Defendant did not conspire with any third parties to commit Fraud in the Western District of Tennessee or any other place.
4. The Defendant here requests, pursuant to Federal Rule of Criminal Procedure 6(e)(3)(E)(i), (ii), that the Notes of Testimony of the proceedings before the federal Grand Jury that returned the indictment against her be provided her where grounds may exist to dismiss the indictment because of matters that occurred before the grand jury.
5. The Defendant believes, and therefore avers, that information and testimony presented to the Grand Jury was improperly devoid of exculpatory "Brady material" that should have been presented to the Grand Jury and which, had it been presented, would have allowed the Grand Jury to recognize that no indictment against the Defendant was warranted, and that evidence thereof will be revealed in the Notes of Testimony from the Grand Jury proceedings.
6. The Defendant believes, and therefore avers, that exculpatory "Brady material" has been withheld from her and that evidence thereof will be revealed in the Notes of Testimony from the Grand Jury proceedings.
7. Furthermore, the Defendant believes, and therefore avers, that the indictment returned against her by the Grand Jury was defective where it was based largely on perjured testimony given by several civilian and government witnesses, and that evidence thereof will be revealed in the Notes of Testimony from the Grand Jury proceedings.
8. Furthermore, the Defendant believes, and therefore avers, that the indictment

returned against her by the Grand Jury was defective where it was based largely on hearsay testimony presented to the Grand Jury under the guise of eyewitness or fact testimony, and that evidence thereof will be revealed in the Notes of Testimony from the Grand Jury proceedings.

9. Furthermore, the Defendant believes, and therefore avers, that the indictment returned against her by the Grand Jury was defective where the Grand Jury was improperly instructed on the law, and that evidence thereof will be revealed in the Notes of Testimony from the Grand Jury proceedings.

WHEREFORE, Defendant Harris respectfully requests this Court to release to her attorney the Notes of Testimony of the proceedings before the Grand Jury that returned the indictment against her.

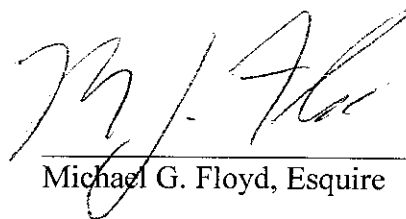
Respectfully submitted,



Michael G. Floyd, Esquire
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CERTIFICATE OF SERVICE

I, Michael G. Floyd, Esquire hereby certify that the foregoing document has been sent by regular U.S. Mail to Camille McMullen, Esquire, at department of Justice, 167 North Main Street, Memphis, TN 38103 on this 17 th day of August, 2005.



Michael G. Floyd, Esquire



Notice of Distribution

This notice confirms a copy of the document docketed as number 68 in case 2:05-CR-20250 was distributed by fax, mail, or direct printing on September 13, 2005 to the parties listed.

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Ste. 800
Memphis, TN 38103

Honorable Jon McCalla
US DISTRICT COURT